



022604  
1/611

**REQUEST FOR FILING A PATENT APPLICATION  
UNDER 37 CFR 1.53(b)**

10/786978  
U.S.P.T.O.



DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION NUMBER	ART UNIT
LDC-791 3DIV	CLASS	SUBCLASS	10/036881	1714

Address to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

This is a request for filing a continued prosecution ( continuation  divisional) application under 37 CFR 1.53(b), of pending prior application Serial Number 10/036881, filed January 4, 2002 entitled DENTAL COMPOSITE RESTORATIVE MATERIAL AND METHOD OF RESTORING A TOOTH.

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application number 10/036881, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(e))	- 20 =		X \$18=	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))			X \$80=	
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ ____ =	
				BASIC FEE (37 CFR 1.16 (a))	\$750
				TOTAL OF ABOVE CALCULATIONS =	\$750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.19, 1.27, 1.28).				
				TOTAL =	\$750.00

2.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
 is enclosed  
 was filed in prior application number \_\_\_\_ and such is still proper and desired (37 CFR 1.28(a)).
3.  The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 04-0780. A duplicate copy of this sheet is enclosed.
4.  A check in the amount of \$ \_\_\_\_\_ is enclosed.

5.  Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
6.  The inventor(s) of the invention being claimed in this application is (are): John C. Subelka, Steven R. Jefferies, Donald A. Kapperman, Paul D. Hammesfahr and Paul A. Silver.
7.  This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
8.  Amend the specification by inserting the first line the sentence: ".This application is a divisional continuation of application serial number 10/036881, filed January 4, 2002; pending."
9.  New formal drawings are enclosed.
10.  Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.
11.  A preliminary amendment is enclosed. Please enter the Preliminary Amendment before calculating the filing fee.
12.  The prior application is assigned of record to DENTSPLY Research & Development Corp.
13.  Also enclosed:
14.  The power of attorney in the prior application is to: Douglas J. Hura, Reg. No. 33249; Dale R. Lovercheck, Reg. No. 28638; Nicholas J. Aquilino; Anthony J. DeLaurentis, Reg. No. 24757 and Carmen Santa Maria, Reg No. 33,453.
- a.  The power of attorney appears in the original papers in the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  Address all future correspondence to: Douglas J. Hura, DENTSPLY INTERNATIONAL INC., 570 West College Avenue, York, PA 17405-0872.

7-22-03

Date



Douglas J. Hura

Patent Attorney Reg. No. 33249

- Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record  
 Filed under 37 CFR 1.34 (a)  
Registration number of acting under 37 CFR 1.34(a).\_\_\_\_\_



PATENT  
LDC-791-2CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION: Subelka et al

Serial No.:

Art Unit: 1714

Filed: July 22, 2003

Examiner:

For: DENTAL COMPOSITE RESTORATIVE MATERIAL AND METHOD OF RESTORING  
A TOOTH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Status Inquiry

Applicant filed a Request for Continuation Application for the above mentioned case on July 22, 2003. A courtesy copy of said filing is enclosed. Please advise as to the status of this application.

Respectfully submitted,

Douglas J. Hura  
Patent Counsel Reg. No. 33249

DENTSPLY International Inc.  
570 West College Avenue  
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Enclosures

February 24, 2004

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on February 24, 2004  
Date

Signature

Wendy L. Gohn  
Typed or printed name of person signing certificate



July 22, 2003  
LDC-791 2 CON

In re: Subelka et al

For: Dental Composite Restorative Material and  
Method of Restoring a Tooth

S/N:

Filed: Herewith

1. Certificate of Mailing (1 page)
2. Request for a Continuation Appl. (2 pages in Triplicate)
3. Application Description (26 pages)
4. Application Claims (6 pages)
5. Application Abstract (1 page)
6. Application Drawings (3 pages in Triplicate)
7. Copy of parent Declaration

Received and Filed:



PATENT  
LDC-791 2 CON

CERTIFICATE OF MAILING

By "EXPRESS MAIL"- Label No. ER057905732US **ER057905732US**

Date of Mailing by EXPRESS MAIL July 22, 2003

The Patent Application for GEN-901A was mailed by EXPRESS MAIL on July 22, 2003.

  
\_\_\_\_\_  
Douglas J. Hyre

DENTSPLY INTERNATIONAL INC.  
570 West College Avenue  
York, Pennsylvania 17405

Physically delivered to the United States Post Office, York, Pennsylvania by: Teresa Eculano

I hereby certify that this paper or fee is being deposited with the United States postal Service "EXPRESS MAIL Post Office To Addressee" service, under 37 CFR 1.10, as modified by 68 Fed. Reg. 14332 (March 25k 2003) on the date indicated above and is addressed to Mail Stop ; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
\_\_\_\_\_  
Teresa Eculano  
Title: Patent Secretary